



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, February 9, 2006, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chair Thnay followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, Sacks, McKillop, Bogue, Peixoto, Zermeno
CHAIRPERSON: Thnay
Absent: COMMISSIONER: None

Staff Members Present: Bauman, Conneely, Patenaude, Rizk, Lens

General Public Present: Approximately 30

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. Garin Vista Development

- I. **Zone Change Application No. PL-2005-0322 PD** – Request to Amend the Rezoning District Designation from Medium Density Residential (RMB4) and Agriculture (AB10A) to Planned Development (PD), to Allow for Construction of 126 Single-Family Homes; Request to Approve the Associated Preliminary Development Plan;
- II. **Vesting Tentative Map Tract Application No. PL-2005-0323 TTM 7354** - Request to Subdivide an Approximately 50-Acre Site to Create 126 Single-Family Lots and Related Streets, a Private Park and Open Space;
- III. **Development Agreement Application No. PL-2005-0358 DA** – Request for Approval of a Development Agreement in Association With the Proposed Development.

Howard M. Settle, Maxine F. Theobald, Andrew E. Garin, Richard S. & Annette P. Warren, John M. and Lia F. McKenzie (Owner) / Garin Vista, LLC, Jack Smith, President (Applicant)

The Project Site is Located Northeast of the Intersection of Woodland Avenue and Bodega Street, West of Garin Regional Park.

Staff report submitted by Senior Planner Rizk, dated February 9, 2006, was filed.

Acting Planning Manager Patenaude announced that item two of the agenda was continued to February 23, 2006.

Senior Planner Rizk presented the staff report.

In response to Commissioner Lavelle's inquiry, Senior Planner Rizk indicated that the majority of the owners have expressed support for the Mission-Garin area Annexation. In response to implications if an agreement is not reached regarding the property that needs to have an easement for the entry road, Senior Planner Rizk showed optimism about consensus between the developer and the property owner, but also indicated that eminent domain could be an alternative solution.

In response to Commissioner Peixoto regarding the agency responsible for collecting fees for the special assessment associated with the Geologic Hazard Abatement District (GHAD), Director of Public Works Bauman stated that it will be collected with the property taxes and then will be allocated to the GHAD. There was clarification about the Inclusionary Housing Ordinance and the proposed development, the \$1 million allocation toward the community center, sufficient parking spaces, and the staff's preference for wood railings.

In response to Commissioner Sacks, there was clarification about the Vesting Tentative Map, Conditions of Approval #1w) regarding plant materials, Condition of Approval # 77 regarding electrically controlled gates, Condition of Approval # 82 regarding red-painted curbing, Condition of Approval # 135 k) regarding hot tubs, spas or swimming pools, and the wording of Mitigation Measure VI-a(ii) of the Mitigation Monitoring and Reporting Program on page 9, regarding recommendations versus action implementations.

Commissioner Zermeño thanked staff for including graffiti language in the report. In reference to open and private spaces, Senior Planner Rizk indicated that the common open space (the park and parcel C) will be maintained by the Homeowners Association and the open space (parcels A and D and other common areas) will be maintained by the GHAD. He added that each individual lot has a private outdoor space that will be maintained by individual homeowners. In reference to Attachment J, Mr. Rizk indicated that staff will ensure that there will be a variety of color schemes for the homes.

Commissioner McKillop inquired about applicant's request of a development agreement and its implication. Mr. Rizk indicated that the purpose of agreements is to provide flexibility and identify responsibilities by the applicant and the City in association with project developments. He added that applicants typically request such agreements.

In response to Commissioner Thnay, Director of Public Works Bauman indicated that the interior streets that will be proposed at 40-foot right-of-way, 30-foot curb-to-curb, five feet on either side of the sidewalk, parking on one side throughout with the exception of Street A, which will be modified to be a 36-foot curb-to-curb and two-way street with parking on both sides. The one-way street portion shown on the plans will also be modified to be a two-way street, he added.

Commissioner Sacks expressed concern for pedestrian safety and arrangements for sidewalks and driveway cuts.



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Chair Thnay opened the public hearing at 8:18 p.m.

Mr. Jack Smith mentioned that the proposed project is different than the previous in that the improved revised project is a joint effort by staff and consultants to produce attractive homes with spectacular views that are acceptable to the community. Mr. Smith concurred with the staff report, conditions of approval, and the development agreement. He introduced his partners and team members indicating that they would be able to answer questions if needed.

In response to Commissioner Peixoto's inquiry about drainage and mitigation measures, project engineer Pete Ruggeri indicated the surface water can be drained away from the houses and the runoff from the hillside be intercepted by concrete "V" ditches, which could keep the water from going onto the yards. In reference to ground water, Mr. Ruggeri added that there would be sub-drainage improvements installed where groundwater is found.

Dr. Joseph Connell, President of Moreau Catholic High School and former Chair of the Mission-Garin Neighborhood Planning Task Force, encouraged the Commissioners to accept the staff's recommendation alluding that it is in accordance with what was envisioned by the majority of the members of the task force. He indicated he was convinced that the proposed project will attract teachers and staff members of not only Moreau School, but those from the Hayward Unified School District, Cal State East Bay, and Chabot College as well. He expressed support for the project.

Ms. Lynn Shinn, 731 Alquire Parkway resident/owner, indicated that she was involved with the proposed developments for the area and anticipated in getting the same cooperation with the Garin Vista project as with the La Vista project. She indicated that since her home is surrounded by the new homes, she expressed concerns with the traffic and security, visibility, and noise issues. She was assured that the issues are going to be mitigated with landscaping and new fencing, but emphasized the importance of the driveway for her neighbors and her property.

In response to Commissioner Bogue's concern and the need for the extension of Alquire Parkway, Director of Public Works Bauman mentioned that the access to the three homes is going to be a driveway. He further stated that Ms. Shinn's concern was broadly discussed at a previous meeting regarding the La Vista project. Mr. Rizk indicated that the landscaping, fencing, and Ms. Shinn's concerns will be addressed accordingly and that grading will be required, but that slopes will not be as extreme as the slope at the end of Alquire Parkway.

Mr. Joe Callahan with Garin Vista indicated that the combination of landscaping with the fact that the road goes away to the east will take care of Ms. Shinn's concerns.

Chair Thnay closed the public hearing at 8:41 p.m.

Commissioner Thnay commented that the fruition of La Vista and Garin Vista projects is going to create 305 units which reinforce his conviction that the proposed community center should be located in the La Vista quarry area to serve the homeowners of the area. He requested that the location for the community center be re-visited as part of the South Hayward Bart Plan Study.

Commissioner Sacks thanked Mr. Callahan and Mr. Warren for the four-wheel vehicle tour of the area a couple of years ago and for bringing this area "to life." Ms. Sacks congratulated those that took part in putting together a project in an area that needed attention.

Commissioner Bogue mentioned the four-wheel vehicle tour as an enlightening experience. He added that after additional improvements to the conditions such as the landslides, the proposed project will be far superior to the original design. He expressed that prospective homeowners are going to enjoy the spectacular views. He made a motion to approve the staff report recommendation.

Commissioner Zermeño seconded the motion indicating that he too had the opportunity to visit the hills two years ago and added that this project is an improvement to the area. He echoed Dr. Connell's support for the project.

Commissioner McKillop was satisfied to see a project that has been resurrected and has come to fruition. She indicated she was pleased to see issues related to the site resolved. She showed excitement with the community center and supported the motion commending staff and those involved with the project.

Commissioner Lavelle supported the motion and thanked Mr. Callahan. She mentioned that she did not have the opportunity to be part of the tour but since she lives in the hills, she was glad that the City is able to provide the same opportunity to other home dwellers. Her overriding concern for the project was the look that this proposed project will have in contrast with other hillside developments and other communities. She looked forward to seeing improvements done to this area. In reference to Condition of Approval #1b) regarding color and materials board, she requested that staff give the Commissioners the opportunity to view those before approval by the Planning Director. There was consensus that a sentence be added to Condition of Approval #1 b).

Commissioner Peixoto expressed support for the project alluding that challenges can be mitigated after following the recommended measures proposed by staff. He was pleased that this project provides prospective homeowners with the opportunity of choice via the proposed single family homes. He also stated that projects in the area provide a good mix of high density and single family homes. Furthermore, he indicated that project benefits outweighed any of the unintended consequences, such as the coordination of the La Vista project and the connection with La Vista Quarry via the trail, the community center, the downstream sewer infrastructure upgrade, the water tank, and the respect that developers showed committing to open space.

Chair Thnay thanked staff and the developers for presenting a good project. He showed appreciation for long-standing families that come together to leave a legacy for Hayward. He was pleased by the spectacular views that the project would provide, and the overall quality solution to a difficult site.



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Commissioner Bogue moved, seconded by Commissioner Zermeño, and unanimously approved to recommend that the City Council adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program; approve the Zone Change, Preliminary Development Plan, Vesting Tentative Map and Development Agreement, subject to the attached findings and conditions of approval with an addition to Condition of Approval #1b) that the Planning Commission be informed when the color and material boards are available before approval of the Precise Plan by the Planning Director.

- 3. General Plan Amendment Application No. PL-2005-0277; Zone Change Application No. PL-2005-0280; Site Plan Review Application No. PL-2005-0710; Variance Application No. PL-2005-0279 and Vesting Tentative Tract Map 7635/PL-2005-0278 – William Reed (Applicant) / Hayward Whipple Associates (Owner) - Request for an Amendment to the General Plan Land Use Designation from General Commercial to Commercial/High Density Residential; Zone Change from General Commercial District to High-Density Residential District; Variance to Locate Driveways and Parking within the Side Street Yard and a Vesting Tentative Tract map to Accommodate 38 Multi-Family Dwellings – The Project is Located at 25993 Dollar Street at the Corner of Harder Road**

The item was continued to February 23, 2006.

ADDITIONAL MATTERS

4. Oral Reports on Planning and Zoning Matters

Acting Planning Manager Patenaude indicated that the next meeting will be on February 23 and will be reviewing the Dollar Street Project and the Eden Housing Project. He also stated that the March 9 meeting was cancelled and the following meeting of March 16 will review the KB Homes in the Mt Eden Annexation Area.

5. Commissioners' Announcements, Referrals

Commissioner Sacks announced that she will not be present on February 23 and on March 16.

Commissioner Bogue reported that the Burlington Coat Factory near Calaroga Street has graffiti on the walls. He also reported that No Left Turn and No Right Turn signs are missing on Winton Avenue and Clawiter Road respectively.

Commissioner Lavelle reminded people about the South Hayward Bart Concept Plan on February 15 at the Treeview School at 7:00 p.m.

Commissioner Sacks corrected the announcement about the Literacy Fund Raiser.

APPROVAL OF MINUTES

Minutes of January 26, 2006 were approved.

ADJOURNMENT

Chair Thnay adjourned the meeting at 9:07 p.m., with a quote by Martin Luther King Jr.

APPROVED:

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary